

1 GEORGE D. NIESPOLO (SBN 72107)
STEPHEN H. SUTRO (SBN 172168)
2 JENNIFER BRIGGS FISHER (SBN 241321)
JOSEPH P. AUDAL (SBN 283010)

3 **DUANE MORRIS LLP**

One Market, Spear Tower, Suite 2200

4 San Francisco, CA 94105-1104

Telephone: 415.957.3000

5 Facsimile: 415.957.3001

E-Mail: gdniespolo@duanemorris.com

6 shsutro@duanemorris.com

jbfisher@duanemorris.com

7 jpaudal@duanemorris.com

8 Attorneys for Defendants

9 NEC CORPORATION, NEC LCD TECHNOLOGIES,

LTD., AND RENESAS ELECTRONICS AMERICA

10 [additional parties and counsel listed in signature block]

11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14
15 IN RE TFT-LCD (FLAT PANEL) ANTITRUST
LITIGATION

Case No.: M 07-1827 SI
MDL No. 1827

Case No. 3:12-cv-02495 SI

16
17 This Document Relates to Individual Case No. 3:12-
18 cv-2495 SI

**JOINT STIPULATION AND
[PROPOSED] ORDER REGARDING
EXTENSION OF TIME TO ANSWER
COMPLAINT AND PLEADING
RULING**

19 ROCKWELL AUTOMATION, INC.,

20 Plaintiff,

21 vs.

22 AU OPTRONICS CORPORATION, *et al.*,

23 Defendants.

The Honorable Susan Illston, Presiding

1 Plaintiff Rockwell Automation, Inc. ("Rockwell") and Defendants¹ (collectively, the
2 "Stipulating Parties") hereby stipulate as follows:

3 WHEREAS, Rockwell filed a First Amended Complaint against Defendants on August 10,
4 2012 (the "Complaint");

5 WHEREAS Rockwell has not asserted indirect purchaser claims under the Sherman Act;
6 WHEREAS Rockwell's claims under Wisconsin Stat. §§ 133.01 et seq. (the "Wisconsin
7 Antitrust Law") apply only to purchases made by Rockwell in Wisconsin;

8 WHEREAS the Court has already considered several of Defendants' motions to dismiss
9 based on "group pleading" and issued rulings denying such arguments, including its Order Granting
10 in Part and Denying in Part Defendants' Motions to Dismiss Indirect Purchaser Plaintiff's Second
11 Amended Consolidated Complaint (MDL Docket No. 870) ("Group Pleading Order");

12 WHEREAS the Court already has considered and determined that allegations similar to those
13 alleged by Rockwell against Defendants NEC Corporation, NEC LCD Technologies, Ltd., and
14 Renesas NEC Electronics America (collectively "the NEC Defendants") are "plausible" under the
15 pleading standard enunciated by the United States Supreme Court under *Bell Atlantic Corporation v.*
16 *Twombly*, 550 U.S. 544 (2007), and *Ashcroft v. Iqbal*, 129 S. Ct. 1937 (2009), including in its Order
17 Granting in Part NEC Defendants' Motion to Dismiss, MDL Docket No. 4591 ("NEC *Twombly*
18 Order");

19 WHEREAS Defendants do not agree with the Court's ruling in the Group Pleading Order
20 and the NEC Defendants do not agree with the Court's ruling in the NEC *Twombly* Order;

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22
23 ¹ AU OPTRONICS CORPORATION; AU OPTRONICS CORPORATION AMERICA, INC.; CHI
24 MEI CORPORATION; CHIMEI INNOLUX CORPORATION; CHI MEI OPTOELECTRONICS
25 USA, INC.; CMO JAPAN CO. LTD.; NEXGEN MEDIATECH, INC.; NEXGEN MEDIATECH
26 USA, INC.; CHUNGHWA PICTURE TUBES LTD.; EPSON IMAGING DEVICES
27 CORPORATION; EPSON ELECTRONICS AMERICA, INC.; HANNSTAR DISPLAY
28 CORPORATION; LG DISPLAY CO. LTD.; LG DISPLAY AMERICA, INC.; NEC
CORPORATION; NEC LCD TECHNOLOGIES, LTD.; RENESAS ELECTRONICS AMERICA;
SHARP CORPORATION; SHARP ELECTRONICS CORPORATION; TOSHIBA
CORPORATION; TOSHIBA AMERICA ELECTRONICS COMPONENTS, INC.; TOSHIBA
MOBILE DISPLAY TECHNOLOGY CO., LTD.; TOSHIBA AMERICA INFORMATION
SYSTEMS, INC.

1 WHEREAS for appellate purposes, Defendants wish to preserve the pleading issues raised in
2 the Group Pleading Order and the NEC *Twombly* Order as to Rockwell;

3 WHEREAS the Stipulating Parties believe that the briefing necessary to address the group
4 pleading issue and the plausibility of allegations against the NEC Defendants would be substantially
5 identical to the briefing already filed in the MDL, and that further briefing on these issue would only
6 burden the parties and the Court;

7 WHEREAS the Stipulating Parties desire to litigate this case efficiently and are cognizant of
8 the Court's admonitions that the parties should not burden the Court with unnecessary and/or
9 duplicative briefing, as demonstrated in the Court's Order that the parties identify prior Orders
10 where similar or identical legal issues have been previously raised (MDL Docket No. 5429);

11 WHEREAS the Stipulating Parties believe that instead of re-litigating the group pleading
12 issue and the plausibility of allegations against the NEC Defendants, it is more efficient for the
13 Stipulating Parties to agree, and the Court to order that: the previous motions for dismissal based on
14 group pleading and the plausibility of allegations against the NEC Defendants be deemed filed as to
15 Rockwell; both the Group Pleading Order and the NEC *Twombly* Order be deemed issued in this
16 case; and these issues be preserved for appeal as if having been decided in this case without further
17 action by any Stipulating Party;

18 WHEREAS the current deadline for Defendants to respond to Rockwell's Complaint is
19 August 31, 2012;

20 WHEREAS, Defendants desire a reasonable amount of time to respond to the Complaint;

21 WHEREAS the Court has already approved similar stipulations in *AASI Liquidating Trust v.*
22 *AU Optronics Corp., et al* (Case No. 3:11-cv-5781-SI) on May 22, 2012 (MDL Dkt. 5772) and in
23 *NECO Alliance, LLC v. AU Optronics Corporation et al.*, (Case No. 3:12-cv-01426-SI) on August 3,
24 2012 (MDL Dkt. 6408);

25 THEREFORE, the Stipulating Parties stipulate and agree as follows:

26 For the avoidance of doubt, the Stipulating Parties agree that Rockwell has not asserted
27 indirect purchaser claims under the Sherman Act and that Rockwell's claims under the Wisconsin
28 Antitrust Law apply only to purchases made by Rockwell in Wisconsin;

Defendants' Joint Motion to Dismiss IPPs' Second Amended Complaint (MDL Docket No. 782) and corresponding Order Granting in Part and Denying in Part Defendants' Motions to Dismiss Indirect Purchaser Plaintiff's Second Amended Consolidated Complaint (MDL Docket No. 870), to the extent they relate to Defendants' group pleading argument, shall be deemed filed and entered by the Court as applicable to Rockwell and its claims, and Defendants and their defenses in this case. Such an order denying dismissal on the grounds of group pleading is preserved for appeal without further action by any Stipulating Party as if it had been decided and issued in the present case provided, however, that any appellate review of Rockwell's Complaint in respect to the group pleading issue shall be based on the allegations of Rockwell's Complaint;

The NEC Defendants' Notice of Motion and Motion to Dismiss (MDL Docket No. 3452) and corresponding Order Granting in Part NEC Defendants' Motion to Dismiss (MDL Docket No. 4591), to the extent they relate to the plausibility of allegations against the NEC Defendants, shall be deemed filed and entered by the Court as applicable to Rockwell and its claims, and the NEC Defendants and their defenses in this case. Such an order denying dismissal on the grounds of the plausibility of allegations against the NEC Defendants is preserved for appeal without further action by any Stipulating Party as if it had been decided and issued in the present case provided, however, that any appellate review of Rockwell's Complaint in respect to the plausibility of allegations against NEC Defendants issue shall be based on the allegations of Rockwell's Complaint;

The deadline for Defendants to answer Rockwell's Complaint is September 14, 2012.

IT IS SO STIPULATED.

DUANE MORRIS LLP
STEPHEN H. SUTRO (SBN 172168)
One Market, Spear Tower, Suite 2200
San Francisco, CA 94105
Tel: (415) 957-3000
Fax: (415) 957-3001

By: _____ /s/
Stephen H. Sutro
Attorneys for Defendants NEC CORPORATION, NEC LCD
TECHNOLOGIES, LTD., AND RENESAS ELECTRONICS
AMERICA

1 NOSSAMAN LLP
2 CHRISTOPHER A. NEDEAU (SBN 81297)
3 50 California Street, 34th Floor
4 San Francisco, CA 94111
5 Tel: (415) 398-3600
6 Fax: (415) 398-2438

7 By: _____ /s/
8 Christopher A. Nedeau

9 *Attorneys for Defendants* AU OPTRONICS CORPORATION
10 and AU OPTRONICS CORPORATION AMERICA, INC.

11 SIMPSON THACHER & BARTLETT LLP
12 JAMES G. KREISSMAN (SBN 206740)
13 HARRISON J. FRAHN IV (SBN 206822)
14 2550 Hanover Street
15 Palo Alto, CA 94304
16 Tel: (650) 251-5000
17 Fax: (650) 251-5002

18 By: _____ /s/
19 Harrison J. Frahn IV

20 *Attorneys for Defendants* CHI MEI CORPORATION,
21 CHIMEI INNOLUX CORPORATION, CHI MEI
22 OPTOELECTRONICS USA, INC., CMO JAPAN CO., LTD.,
23 NEXGEN MEDIATECH, INC., AND NEXGEN
24 MEDIATECH USA, INC.

25 MORRISON & FOERSTER LLP
26 MELVIN R. GOLDMAN
27 STEPHEN P. FRECCERO
28 DEREK F. FORAN
425 Market Street
San Francisco, CA 94105
Tel: (415) 268-7000
Fax: (415) 268-7522

By: _____ /s/
Stephen P. Freccero

Attorneys for Defendants EPSON IMAGING DEVICES
CORPORATION AND EPSON ELECTRONICS AMERICA,
INC.

1 PAUL HASTINGS LLP
2 HOLLY A. HOUSE (SBN 136045)
3 KEVIN C. MC CANN (SBN 120874)
4 LEE BERGER (SBN 222756)
5 55 Second Street, 24th Floor
6 San Francisco, CA 94105
7 Tel: (415) 856-7000
8 Fax: (415) 856-7100

9 By: /s/
10 Lee Berger

11 *Attorneys for Defendants* LG DISPLAY CO., LTD. and LG
12 DISPLAY AMERICA, INC.

13 PILLSBURY WINTHROP SHAW PITTMAN LLP
14 JOHN M. GRENFELL (SBN 88500)
15 JACOB R. SORENSEN (SBN 209134)
16 FUSAE NARA (*pro hac vice*)
17 ANDREW D. LANPHERE (SBN 191479)
18 50 Fremont Street
19 San Francisco, CA 94105

20 By: /s/
21 Jacob R. Sorensen

22 *Attorneys for Defendants* SHARP CORPORATION and
23 SHARP ELECTRONICS CORPORATION

24 WHITE & CASE LLP
25 CHRISTOPHER M. CURRAN (*pro hac vice*)
26 MARTIN M. TOTO (*pro hac vice*)
27 JOHN H. CHUNG (*pro hac vice*)
28 KRISTEN J. MCAHREN (*pro hac vice*)
1155 Avenue of the Americas
New York, NY 10036
Telephone: (212) 819-8200
Facsimile: (212) 354-8113

By: /s/
John H. Chung

Attorneys for Defendants TOSHIBA CORPORATION,
TOSHIBA MOBILE DISPLAY TECHNOLOGY CO., LTD.,
TOSHIBA AMERICA ELECTRONIC
COMPONENTS, INC., AND TOSHIBA
AMERICA INFORMATION SYSTEMS, INC.

1 GIBSON, DUNN & CRUTCHER LLP
2 RACHEL S. BRASS (SBN 219301)
3 JOEL S. SANDERS (SBN 107234)
4 AUSTIN V. SCHWING (SBN 211696)
5 555 Mission Street, Suite 3000
6 San Francisco, CA 94105
7 Tel: (415) 393-8200
8 Fax: (415) 393-8306

9
10 By: _____/s/
11 Rachel S. Brass

12 *Attorneys for Defendant* CHUNGHWA PICTURE TUBES
13 LTD.

14
15 FREITAS TSENG & KAUFMAN, LLP
16 ROBERT E. FREITAS
17 JASON S. ANGELL
18 JERRY CHEN
19 100 Marine Parkway, Suite 200
20 Redwood Shores, CA 94065
21 Tel: (650) 593-6300
22 Fax: (650) 593-6301

23 By: _____/s/
24 Robert E. Freitas

25 *Attorneys for Defendant* HANNSTAR DISPLAY
26 CORPORATION

27
28 CROWELL & MORING LLP
NATHANIAL J. WOOD
515 South Flower Street, 40th Floor
Los Angeles, CA 90071
Telephone: (213) 443-5553
Facsimile: (213) 622-2690

By: _____/s/
Nathaniel J. Wood

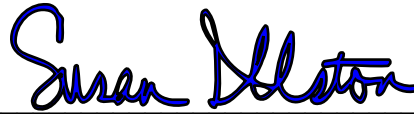
Attorneys for Plaintiff ROCKWELL AUTOMATION, INC.

ATTESTATION: Pursuant to General Order 45, Part X-B, the filer attests that concurrence
in the filing of this document has been obtained from the signatories thereto.

~~PROPOSED~~ ORDER

IT IS SO ORDERED.

Dated: August 31, 2012.



Honorable Susan Illston
U.S. District Court Judge